

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

Lyhnn Brown

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S.D. OF N.Y.

(In the space above enter the full name(s) of the plaintiff(s).)

-against-

**COMPLAINT
FOR EMPLOYMENT
DISCRIMINATION**

New York City Board/Department of Education

Ramona

Principal Duran, PS 157X, in her individual and official capacity

Jury Trial: ☒ Yes ☐ No

(check one)

16CV7531

(In the space above enter the full name(s) of the defendant(s).
If you cannot fit the names of all of the defendants in the space
provided, please write "see attached" in the space above and
attach an additional sheet of paper with the full list of names.
Typically, the company or organization named in your charge
to the Equal Employment Opportunity Commission should be
named as a defendant. Addresses should not be included here.)

This action is brought for discrimination in employment pursuant to: (check only those that apply)

☒

Title VII of the Civil Rights Act of 1964, as codified, 42 U.S.C. §§ 2000e to 2000e-17 (race, color, gender, religion, national origin).

NOTE: In order to bring suit in federal district court under Title VII, you must first obtain a Notice of Right to Sue Letter from the Equal Employment Opportunity Commission.

☒

Age Discrimination in Employment Act of 1967, as codified, 29 U.S.C. §§ 621 - 634.

NOTE: In order to bring suit in federal district court under the Age Discrimination in Employment Act, you must first file a charge with the Equal Employment Opportunity Commission.

☐

Americans with Disabilities Act of 1990, as codified, 42 U.S.C. §§ 12112 - 12117.

NOTE: In order to bring suit in federal district court under the Americans with Disabilities Act, you must first obtain a Notice of Right to Sue Letter from the Equal Employment Opportunity Commission.

☒

New York State Human Rights Law, N.Y. Exec. Law §§ 290 to 297 (age, race, creed, color, national origin, sexual orientation, military status, sex, disability, predisposing genetic characteristics, marital status).

☒

New York City Human Rights Law, N.Y. City Admin. Code §§ 8-101 to 131 (actual or perceived age, race, creed, color, national origin, gender, disability, marital status, partnership status, sexual orientation, alienage, citizenship status).

I. Parties in this complaint:

- A. List your name, address and telephone number. Do the same for any additional plaintiffs named. Attach additional sheets of paper as necessary.

Plaintiff Name Lyhnn Brown
 Street Address 1020 Grand Concourse, Apt. 4X
 County, City Bronx
 State & Zip Code New York 10451
 Telephone Number 7185389289

- B. List all defendants' names and the address where each defendant may be served. Make sure that the defendant(s) listed below are identical to those contained in the above caption. Attach additional sheets of paper as necessary.

Defendant Name New York City Board/Department of Education Principal Ramona Duran
 Street Address Tweed Courthouse 757 Cauldwell Avenue
 County, City New York, New York Bronx, NY 10456
 State & Zip Code New York 10007
 Telephone Number _____

- C. The address at which I sought employment or was employed by the defendant(s) is:

Employer PS 157X District 7 NYCDOE
 Street Address 757 Cauldwell Avenue
 County, City Bronx
 State & Zip Code NY 10456
 Telephone Number 7182925255

II. Statement of Claim:

State as briefly as possible the facts of your case, including relevant dates and events. Describe how you were discriminated against. If you are pursuing claims under other federal or state statutes, you should include facts to support those claims. You may wish to include further details such as the names of other persons involved in the events giving rise to your claims. Do not cite any cases. If you intend to allege a number of related claims, number and set forth each claim in a separate paragraph. Attach additional sheets of paper as necessary.

- A. The discriminatory conduct of which I complain in this action includes: (check only those that apply)

☒ Failure to hire me.
☒ Termination of my employment.
☐ Failure to promote me.
☒ Failure to accommodate my disability.
☐ Unequal terms and conditions of my employment.

_____ Retaliation.

_____ Other acts (specify): _____

Note: Only those grounds raised in the charge filed with the Equal Employment Opportunity Commission can be considered by the federal district court under the federal employment discrimination statutes.

B. It is my best recollection that the alleged discriminatory acts occurred on: _____
Date(s)

C. I believe that defendant(s) (check one):

_____ is still committing these acts against me.

☒ is not still committing these acts against me.

D. Defendant(s) discriminated against me based on my (check only those that apply and explain):

☐ race _____ ☐ color _____

☐ gender/sex _____ ☐ religion _____

☐ national origin _____

☒ age. My date of birth is 12/2/47 (Give your date of birth only if you are asserting a claim of age discrimination.)

☒ disability or perceived disability, thyroid cancer, immune deficiencies (specify)

E. The facts of my case are as follow (attach additional sheets as necessary):

~~I. Background~~ See attached

Note: As additional support for the facts of your claim, you may attach to this complaint a copy of your charge filed with the Equal Employment Opportunity Commission, the New York State Division of Human Rights or the New York City Commission on Human Rights.

III. Exhaustion of Federal Administrative Remedies:

A. It is my best recollection that I filed a charge with the Equal Employment Opportunity Commission or my Equal Employment Opportunity counselor regarding defendant's alleged discriminatory conduct on: February 3, 2016 (Date).

B. The Equal Employment Opportunity Commission (*check one*):

 X has not issued a Notice of Right to Sue letter.
 issued a Notice of Right to Sue letter, which I received on 6/28/2016 (Date).

Note: Attach a copy of the Notice of Right to Sue letter from the Equal Employment Opportunity Commission to this complaint.

C. Only litigants alleging age discrimination must answer this Question.

Since filing my charge of age discrimination with the Equal Employment Opportunity Commission regarding defendant's alleged discriminatory conduct (*check one*):

 X 60 days or more have elapsed.
 less than 60 days have elapsed.

IV. Relief:

WHEREFORE, plaintiff prays that the Court grant such relief as may be appropriate, including injunctive orders, damages, and costs, as follows: reinstatement, backpay, front pay, emotional damages

(Describe relief sought, including amount of damages, if any, and the basis for such relief.)

I declare under penalty of perjury that the foregoing is true and correct.

Signed this 26 day of September, 2016.

Signature of Plaintiff

Lynna Brown

Address

1020 Grand Concourse, Apt 4X

Bronx NY 10451

Telephone Number

9176748660

Fax Number (if you have one)

ADDENDUM TO LYHNN BROWN FEDERAL COMPLAINT

1. I started as a paraprofessional for the NYCDOE and was duly appointed as an elementary school teacher in the 1980s, became tenured, and was last assigned to P.S. 157 Grove Hill, within District 7 in Bronx, New York since September 2009. My certification area is in common branches as a teacher.
2. I had over 30 years of teaching service with the DOE, during which time I received satisfactory ratings for my pedagogy through the 2012-13 school year.
3. I am presently 68 years old.
4. I suffer from various disabilities, including thyroid cancer, lymphoma and an autoimmune deficiency condition.
5. While at P.S. 157, I reported to Principal Ramona Duran.
6. I told Assistant Principal Mr. Green about my cancer in November 2012, who informed Principal Duran.
7. In September 2014, Principal Duran told me that I should listen to my friends and retire from my teaching position.
8. When I refused to retire, Principal Duran retaliated against me by rating almost all of my observations ineffective under the new Danielson rating system.
9. Principal Duran gave me two ineffective annual ratings for the 2013-14 and 2014-15 school years, and then caused termination disciplinary charges to be brought against me in September 2015, which resulted in my termination on or about February 1, 2016.
10. I believe that Principal Duran discriminated against me based on my age and disability.

U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

DISMISSAL AND NOTICE OF RIGHTS

To: **Lyhnn Brown**
1020 Grand Concourse
Apt. 4x
Bronx, NY 10451

From: **New York District Office**
33 Whitehall Street
5th Floor
New York, NY 10004



On behalf of person(s) aggrieved whose identity is
CONFIDENTIAL (29 CFR §1601.7(a))

EEOC Charge No.

EEOC Representative

Telephone No.

520-2016-01284

Esther Gutierrez,
Investigator

(212) 336-3756

THE EEOC IS CLOSING ITS FILE ON THIS CHARGE FOR THE FOLLOWING REASON:



The facts alleged in the charge fail to state a claim under any of the statutes enforced by the EEOC.



Your allegations did not involve a disability as defined by the Americans With Disabilities Act.



The Respondent employs less than the required number of employees or is not otherwise covered by the statutes.



Your charge was not timely filed with EEOC; in other words, you waited too long after the date(s) of the alleged discrimination to file your charge



The EEOC issues the following determination: Based upon its investigation, the EEOC is unable to conclude that the information obtained establishes violations of the statutes. This does not certify that the respondent is in compliance with the statutes. No finding is made as to any other issues that might be construed as having been raised by this charge.



The EEOC has adopted the findings of the state or local fair employment practices agency that investigated this charge.



Other (briefly state)

- NOTICE OF SUIT RIGHTS -

(See the additional information attached to this form.)

Title VII, the Americans with Disabilities Act, the Genetic Information Nondiscrimination Act, or the Age Discrimination in Employment Act: This will be the only notice of dismissal and of your right to sue that we will send you. You may file a lawsuit against the respondent(s) under federal law based on this charge in federal or state court. Your lawsuit **must be filed WITHIN 90 DAYS of your receipt of this notice**; or your right to sue based on this charge will be lost. (The time limit for filing suit based on a claim under state law may be different.)

Equal Pay Act (EPA): EPA suits must be filed in federal or state court within 2 years (3 years for willful violations) of the alleged EPA underpayment. This means that **backpay due for any violations that occurred more than 2 years (3 years) before you file suit may not be collectible.**

On behalf of the Commission

Kevin J. Berry

Kevin J. Berry,
District Director

6/28/2016

(Date Mailed)

Enclosures(s)

cc: **Robin Singer**
Attn: Associate Counsel
NYC DEPT OF EDUCATION
52 Chambers Street
Room 308
New York, NY 10007